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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Services and Facilities of Southern California Edison Company and San Diego Gas & Electric Company Associated with the San Onofre Nuclear Generating Station Units 2 and 3.	I.12-10-013 (Filed October 25, 2012)
And related matters	A.13-01-016 A.13-03-005 A.13-03-013 A.13-03-014

SAN DIEGO GAS & ELECTRIC COMPANY'S (U 902 E) RESPONSE TO RUTH HENRICKS' AND THE COALITION TO DECOMMISSION SAN ONOFRE'S MOTION TOSTAY COLLECTION OF RATES BASED ON SAN ONOFRE REVENUE REQUIREMENTS

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Pursuant to Rule 11.1(e) of the Rules of Practice and Procedure of the California Public Utilities Commission ("CPUC" or "Commission"), San Diego Gas & Electric Company ("SDG&E") responds to the June 19, 2017 *Motion To Stay Collection Of Rates Based On San Onofre Revenue Requirements* ("the Petitioners' Motion") filed by Ruth Henricks and the Coalition to Decommission San Onofre ("CDSO"; collectively with Ms. Henricks, "the Petitioners"). The Petitioners' Motion seeks a stay of collection of rates[1] and a ruling that no further advice letters or other mechanisms seeking revenue requirements related to San Onofre Nuclear Generating Station ("SONGS") should be permitted.[2]

The Petitioners' Motion should be denied for the reasons discussed below. In summary, the Petitioners' Motion is simply a rehash of a pending motion filed in February 2017 by CDSO

[1] Petitioners' Motion at 4.

[2] *Id.* at 3.

("February Motion").[3] In the February Motion, CDSO – one of the two current Petitioners – requested that the Commission stay the collection of rates authorized by D.14-11-040.[4] The only difference between the February Motion and the Petitioners' Motion is that the Corrected and Redacted MHI Arbitration Decision ("MHI Arbitration Decision") has now been added to the record.[5] The inclusion of the MHI Arbitration Decision in the record does not now make the Petitioners' request to stay collections more compelling or persuasive. Rather, the MHI Arbitration Decision is irrelevant to the current proceedings.

In addition, both the February Motion and the Petitioners' Motion should be denied because they fail to meet the burden of justifying a stay of the collection of rates authorized by the SONGS OII Settlement unanimously approved by the Commission in D.14-11-040.[6] In

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[3] *The Coalition to Decommission San Onofre's Motion to Stay Decision D.14-11-040 and Its Implementation*, filed February 13, 2017.

[4] February Motion at 2 (CDSO "hereby moves to stay Decision D.14-11-040 . . . and its implementation especially in terms of any recoveries from ratepayers by Southern California Edison and San Diego Gas & Electric until the matter is decided."). The other Respondent – Ruth Henricks – also previously filed a motion while the SONGS OII was being litigated for a stay of the interim collection of costs of the steam generator replacement project in rates. *Protestor Ruth Henricks' Motion to Assigned Commissioner Michel Peter Florio for Reconsideration of ALJ Melanie M. Darling's 21 February 2013 Ruling on Motion for Order Setting Deadline for Cost Application, Ordering Reasonableness Review, Amending Phase 1 Schedule, Terminating SGRP Cost Collection, and Ordering Ratepayer Reparations* (filed February 27, 2013). The Assigned ALJ denied Henricks' motion, stating that the rates had been authorized by D.05-12-040, and "any modification to this previous Commission decision must occur as a result of a Petition for Modification which conforms with Rule 16.4 of the Commission's Rules of Practice and Procedure. The motion does not meet this requirement nor does it provide new evidence which could support such a petition." Administrative Law Judge's Ruling (Feb. 21, 2013) at 4, affirmed by *Assigned Commissioner's Ruling Denying Ruth Henricks' Motion to Reconsider February 21, 2013 Ruling* (April 19, 2013).

[5] *Final Award In ICC Arbitration Case No. 19784/AGF/RD (Redacted Final Award (Corrected 12 June 2017), Redacted Corrected Concurring And Dissenting Opinion, And Redacted Addendum)* (Public Version), Southern California Edison Company ("SCE"), filed June 15, 2017.

[6] On February 28, 2017, SDG&E and SCE jointly filed the *Response Of Southern California Edison Company (U 338-E) And San Diego Gas & Electric Company (U 902 E) To The Coalition To Decommission San Onofre's Motion To Stay Decision 14-11-040 And Its Implementation* ("Joint Response"). The February Motion and the Joint Response are still pending before the Commission. To avoid repetition, SDG&E incorporates the arguments in the Joint Response by reference.

particular, just like the February Motion, the Petitioners' Motion is premature, unlawful and inappropriate.

I. PETITIONERS FAIL TO MEET THEIR BURDEN TO STAY COLLECTIONS

In determining whether good cause exists to grant a stay, the Commission considers (1) whether the moving party will suffer serious or irreparable harm absent a stay; (2) whether the moving party is likely to prevail on the merits; (3) a balance of the harm to the moving party if the stay is not granted and the decision reversed, against the harm to the other parties if the stay is granted and the decision affirmed; and (4) other relevant factors.[7] The Petitioners fail to meet their burden for any of the four factors to justify a stay of rates that are permitted by D.14-11-040 and subsequent decisions.

A. Petitioners Fail to Demonstration Serious Harm Will Result from Rates Approved by D.14-11-040

The Petitioners fail to demonstrate the first factor – that they will suffer serious or irreparable harm absent a stay.[8] Because a timely application for rehearing of D.14-11-040 was filed and remains pending,[9] the Utilities are collecting the settlement rates subject to refund.[10] As a result, if the Commission were to find that a modification to the approved settlement is warranted, then the retroactive ratemaking doctrine would not preclude the Commission from ordering a refund. Thus, no threat of serious harm exists.

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[7] *See* Joint Response at 2; s*ee also Order Granting Party Status and Denying Request for Stay of Decision 07-06-038* [D.07-08-034] (Aug. 23, 2007) at 4; *Order Denying Stay of Decision D.07-01-004* [D.07-040-48] (Apr. 12, 2007) at 2; *Order Denying Motions for Stay of Decision 04-05-057* [D.04-08-056] (Aug. 19, 2004) at 2.

[8] Joint Response at 2-3.

[9] *Ruth Henricks' and The Coalition to Decommission San Onofre's (CDSO) Application for Rehearing Decision D.14-11-040 (20 November 2014, Issued 25 November 2014)* (Dec. 18, 2014).

[10] *City of Los Angeles v. Public Utilities Com*. (1975) 15 Cal. 3d 680, 707.

B. Petitioners Cannot Demonstrate That They Will Prevail on Their Challenge to Rates

The Petitioners cannot satisfy the second factor – demonstrating that they are likely to prevail in their challenge to the rates established by D.14-11-040.[11] The Petitioners' Motion fails to provide any citations to the record that would justify a stay of the settlement rates or vacate the Commission's determination in D.14-11-040 that the Settlement Agreement is "reasonable in light of the whole record, consistent with law, and in the public interest."[12] The OII Settlement Agreement was approved by the Commission in D.14-11-040 was based on an extensive review of the evidentiary record, case law and Commission precedent.

The Petitioners' Motion is largely dependent on two additions to the record since the issuance of D.14-11-040: the Commission's determination of ex parte communication reporting violations by SCE in D.15-12-016[13] and the recent addition of the MHI Arbitration Decision. Neither addition to the evidentiary record supports the stay of rate collections under D.14-11-040. Furthermore, the Petitioners' reliance on certain case law and precedent in support of their request for relief is misplaced.

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[11] *See* Joint Response at 3-5.

[12] D.14-11-040 at 21 and COL 7 ("The Agreement, as modified, meets the requirements of Rule 12.1(d); it is reasonable in light of the whole record, consistent with law, and in the public interest and should be approved.").

[13] In 2016, the Commission found that SCE committed eight violations of the Commission's ex parte reporting rules and twice violated the Commission's Ethics Rule ("SCE ex parte communications"). The Commission imposed a fine of $16,740,000 on SCE for the violations. D.15-12-016 at Ordering Paragraph ("OP") 1.

1. Recent Additions to the Record – SCE Ex Parte Communications and the MHI Arbitration Decision – Are Not Relevant to the Validity of Rates

The Petitioners' Motion is nothing more than blatant attempt to obfuscate the single, narrow issue currently facing the Commission in this proceeding. As explicitly stated by the Assigned ALJ, the issue currently before the Commission is "whether to reopen a settlement considering D.15-12-016 which penalized Southern California Edison (SCE) for having *ex parte* communications."[14] The issue can be broken up into two parts: (1) whether SCE ex parte communications impacted the negotiations and subsequent Settlement Agreement and (2) if so, whether mitigating settlement modifications are necessary.

While the Petitioners discuss the SCE ex parte communications in their Motion, they fail to demonstrate that either part should be answered affirmatively. Instead, the Petitioners' Motion digresses into a discussion of irrelevant case law and unsubstantiated due process complaints. In addition, the Petitioners' repeated reference to the MHI arbitration and their disappointment in the MHI arbitration outcome is misplaced because the MHI arbitration is completely irrelevant to the single issue (i.e., the alleged impact by the SCE ex parte communications on the SONGS OII Settlement) currently before this Commission.

a. SCE Ex Parte Communications

While the Petitioners continue to make generic allegations that the SCE ex parte communications harmed ratepayers, they have yet again failed to substantiate their assertions with any actual evidence or quantify the alleged harm.[15]

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[14] *Administrative Law Judge's Ruling Denying the Motion of Avp Arora International, Inc. For Party Status* (April 17, 2017), at 2.

[15] *Joint Ruling of Assigned Commissioner and Assigned Administrative Law Judge Directing Parties to Provide Additional Recommendations for Further Procedural Action and Substantive Modifications to Decision 14-11-040* ("December 13 Ruling") at 37 (placing the burden on the parties to quantify

For example, the Petitioners once again allege that the Hotel Bristol Meeting between then-Commissioner Peevey and an SCE representative violated the "utility customers reasonable notice and hearing"[16] and right of other parties "to a fair hearing."[17] The Petitioners' allegation ignores the fact that the SONGS OII Settlement was adopted by the Commission after all of the Rule 12 settlement procedures – including publicly-noticed settlement meetings – were correctly followed, and additional steps in support of due process – such as an invitation for non-settling parties to present evidence or testimony on material contested issues of fact on the settlement prior to an evidentiary hearing,[18] and an evidentiary hearing on the proposed settlement[19] – were taken.

Petitioners also continue espousing due process violations based on the Hotel Bristol Meeting. However, it must be remembered that then-Commissioner Peevey was only one of five Commissioners. Commission decisions must be approved by a majority of Commissioners; the

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any impact resulting from the SCE ex parte communications, stating "The parties are in the best position to address the value of the disadvantage to ratepayers created by Edison's violations.").

[16] Petitioners' Motion at 13.

[17] *Id*. at 11. The Petitioners' Motion cites several decisions in support of its due process arguments. However, the cases cited by Petitioners either undermine Petitioners' argument, *see, e.g., Professional Air Traffic Controllers Org. v. Federal Labor Relations Auth.* (685 F.2d 547, 566 (D.C. Cir. 1982) (finding that the "ex parte contacts at issue had no effect on the ultimate decision" of the agency), or are not on point, *see, e.g., Portland Audubon Society v. Endangered Species Committee* (984 F.2d 1534, 1543 (9th Cir. 1993) (discussing the ex parte rules of the federal Administrative Procedure Act, which, unlike the Commission's Rules, expressly prohibits ex parte communications).

[18] The August 24, 2014 Ruling Setting Hearing "afforded [non-settling parties like the Petitioners] an opportunity to present evidence or testimony on material contested issues of fact if it was served on all parties five (5) days prior to the hearing. No evidence or testimony was submitted prior to the hearing." D.14-11-040 at 67.

[19] *See, e.g*., D.14-11-040 at 20 (noting that an evidentiary hearing on the proposed settlement was held on May 14, 2014) and 65-67 (rejecting Petitioners' claims that the May 14 evidentiary hearing was improperly conducted).

actions of a single Commissioner cannot be imputed to the entire Commission.[20] The Commission unanimously approved D.14-11-040 in a 5-0 vote. Petitioners have failed to provide any evidence that Peevey's comments made during the Hotel Bristol Meeting corrupted his impartiality or the impartiality of the other four approving Commissioners. Thus, the Petitioners have failed to demonstrate any due process violations occurred because of the SCE ex parte communications.

b. MHI Arbitration Decision

The Petitioners also rely on the MHI Arbitration Decision in support of their request to stay rate collections.[21] In essence, the Petitioners argue that because the outcome of the MHI arbitration was not overwhelmingly in SCE's favor, the utilities should not be allowed to continue implementing D.14-11-040 and the associated rate collection.[22] Petitioners' position should be rejected for the following reasons.

First, all parties, including the Petitioners and the Commission, understood when the SONGS OII Settlement was approved and D.14-11-040 was issued, that a strong win against MHI was not guaranteed in the complex contractual dispute.[23] To suggest that it is appropriate

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[20] *See, e.g.*, D.07-09-050 at 14 (refusing to find that the act of a single Commissioner proved actual bias by the other Commissioners or the Commission; "a single Commissioner cannot determine whether an entity can do business in California. Decisions are made by the Commission as a body. A majority of the Commissioners did not express any opinion in press releases. Even if they had, it would not be sufficient to sustain a claim of bias.") (citations omitted).

[21] *See generally*, Petitioners' Motion at 3-11.

[22] Petitioners' Motion at 4 ("SCE's business-as-usual use of D.14.11040 [sic] to set a San Onofre revenue requirement is unwarranted in light of SCE's failure to support SCE's frivolous arbitration fraud claim with any credible evidence. The stay will restore a balanced equity between SCE and utility customers essential for a fair agreed-to resolution of the case.").

[23] *See, e.g.*, D.14-11-040 at 126 (stating that the Commission "do[es] not assume the outcome [of the MHI arbitration] is clear or will be wholly adverse to SCE."). Curiously, one of the Petitioners – CDSO – who is now asserting that SCE's failure to win an overwhelming victory against MHI on behalf of ratepayers was not originally in favor of the OII Settlement terms that require the utilities to share any third-party litigation proceeds with their ratepayers. D.14-11-040 at 125 (noting that

to cease implementing D.14-11-040 now because of the Petitioners' dissatisfaction with the outcome of the MHI arbitration is an absurd application of Monday morning quarterbacking.[24]

Furthermore, the MHI arbitration has absolutely nothing to do with SCE ex parte communications, which is the only issue currently before the Commission. The MHI Arbitration Decision focused on the design of the steam generator replacements and the limitations of contractual liability between MHI and SCE. The MHI Arbitration Decision only briefly mentioned the Hotel Bristol Meeting and acknowledged that SCE had been fined by the Commission for failing to report the meeting.[25] Furthermore, the Commission has not yet determined if, or how, it intends to use the MHI Arbitration Decision in this proceeding.

2. Petitioners' Reliance on Commission Precedent in Support of the Motion is Misplaced

The Petitioners argue that two Commission precedents support their Motion: the Commission's 1994 decision imposing a disallowance on SCE in connection with a steam pipe rupture at Mohave Generation Station ("*Mohave*"), and the Commission's 1985 decision regarding a design defect at PG&E's Helms Pumped Storage Project ("*Helms*").[26] In both cases, the Commission's decisions concerning disallowances and cost recoveries were based on finding

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"CDSO disfavors settlements that need constant oversight and review. They consider the litigation recovery provisions here 'poor policy,' stating, 'Once the settlement is done, there should be no need to review anything ongoingly (sic)'.") (citing CDSO's Opening Comments at 40).

[24] The Petitioners claim that D.14-11-040 did not analyze SCE's litigation position in the MHI arbitration. Petitioners' Motion at 8 ("Missing from the CPUC Decision approving the settlement was an analysis of the "'the strength of the plaintiffs' case and the amount offered in settlement."'). Not only would such an analysis by the Commission have been unnecessary and irrelevant to its evaluation of the SONGS OII Settlement, but it also would have been impossible to perform since D.14-11-040 was issued almost 18 months before arbitration took place.

[25] MHI Arbitration Decision at ¶ 748.

[26] Petitioners' Motion at 13-16.

that the utility acted unreasonably.[27] Both precedents are distinguishable from the current case because no Commission decision has been issued that finds imprudence by SCE in regards to the steam generator replacement project.[28] Therefore, any reliance on *Mohave* or *Helms* is unwarranted.

C. Petitioners Cannot Show Balance of Harm Favors Them

The Petitioners have failed to meet the third factor needed to support a stay of rates –that the balance of harm to the moving party outweighs the harm to other parties.[29] As stated above, utility ratepayers are protected because the settlement rates are subject to refund. In other words, the status quo is currently favored.

D. "Other Relevant Factors" Demonstrate Petitioners' Motion is Premature, Unlawful and Inappropriate

Lastly, Petitioners have failed to show that they have met the fourth factor – that there are "other relevant factors" supporting a stay.[30] On the contrary, the other relevant factors currently at work favor a denial of the Petitioners' Motion.

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[27] *Mohave*, D.94-03-048 at Conclusions of Law ("COL") 1 & 2 ("SCE acted unreasonably in failing to take steps necessary to ensure that the portion of the piping system that ultimately failed was maintained in safe condition. . . . Had SCE taken reasonable steps, it could have prevented the 1985 accident."); *Helms*, D.85-08-102 at COL 6 (concluding PG&E's actions were not prudent).

[28] D.14-11-040 at 101 ("In general terms, we find the approach to SGRP recovery [by the SONGS OII Settlement] is fair and conforms with cost-of-service ratemaking principles. The Utilities will only recover costs for the time period that the RSGs were actually used to produce power, and ratepayers will not pay for a non-operating generation source when they are paying for purchased power. No finding on prudence or imprudence has been made, or needs to be made to reach this conclusion."); *id* at 98 ("there is no record basis for an assumption of broad imprudence by Edison, accordingly, Henricks' and CDSO's arguments premised upon such a finding have no merit."); *id* at 79-81 (rejecting claims by non-settling parties that a notice issued by the NRC was "is determinative of the company's prudence when managing the SGRP.").

[29] Joint Response at 5-6.

[30] *Id*. at 6-8.

1. Petitioners' Motion is Premature, Especially Before August 15

The relief sought by the Petitioners is premature. The parties were directed by the December 13 Ruling to meet and confer about potential changes to D.14-11-040.[31] If a number of parties representing a broad range of interests reach agreement, then they are directed to file a joint petition for modification setting forth proposed revisions to D.14-11-040.[32] If, *and only if*, the parties are unable to reach agreement, then the parties are directed to file a summary of their positions and recommendations for next procedural steps.[33] At that point, and not before, the Commission "will carefully consider all of its options in ruling on the pending petitions for modification."[34]

The parties, including SDG&E and the Petitioners, have conducted the required meet and confers and are currently in mediation.[35] On April 26, 2017, the parties, including Henricks and CDSO, jointly requested that the ALJ extend the deadline for completion of the meet and confer process to August 15, 2017.[36] By ruling dated May 26, 2017, the ALJ granted the Joint

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[31] December 13 Ruling at 39.

[32] *Id*. at 39-40.

[33] *Id*. at 41.

[34] *Id*. at 40.

[35] *See Status Report of Southern California Edison Company (U 338-E), San Diego Gas & Electric Company (U 902 E), The Utility Reform Network, The Office of Ratepayer Advocates, Coalition of California Utility Employees, Ruth Henricks, The Alliance For Nuclear Responsibility, California State University, Western Power Trading Forum, Direct Access Customer Coalition, Coalition to Decommission San Onofre, California Large Energy Consumers Association, and Women's Energy Matters Regarding Meet And Confer Process* (March 29, 2017).

[36] *Joint Motion of Southern California Edison Company (U 338-E), San Diego Gas & Electric Company (U 902 E), The Utility Reform Network, The Office of Ratepayer Advocates, Coalition of California Utility Employees, Ruth Henricks, The Alliance for Nuclear Responsibility, California State University, Western Power Trading Forum, Direct Access Customer Coalition, Coalition to Decommission San Onofre, California Large Energy Consumers Association, and Women's Energy Matters to Extend Dates for All-Party Meet and Confers* (Apr. 26, 2017).

Request.[37] As a result, parties have until August 15, 2017 to either reach a settlement to modify D.14-11-040 or to file joint status conference statement explaining their positions and recommendations for next procedural steps.[38]

The Motion is inconsistent with the December 13 and recent May 26 ALJ Rulings. The Petitioners' Motion seems to be a prematurely filed version of Petitioners' August 15, 2017 Brief and Recommendations. Petitioners have provided no justifications for their attempt to circumvent the ongoing mediation ahead of the August 15 deadline. Thus, the Petitioners' Motion should be denied.

2. Petitioners' Motion is Unlawful

In addition, the Petitioners' requested stay of rates is unlawful. A stay of the rates approved in D.14-11-040 and subsequent Commission decisions, without a simultaneous decision to adopt new rates based on a full record and hearing, would be unlawful. The Commission cannot modify rates it has previously approved without first providing a hearing to the affected utilities, other parties, and others, and adopting different rates in their place. As the Assigned Commissioner and Administrative Law Judge ruled in this proceeding, "[p]rior to issuing an order [reducing rates], the Commission must hold a hearing…"[39]

The Petitioners do not address what rates they would propose be adopted in lieu of the settlement rates, or what record basis exists that would support such alternate rates. To the extent the Petitioners assume the SONGS rates would be set at zero, they provide no basis to support

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[37] *Administrative Law Judge's Ruling Granting Motion of the Meet and Confer Parties to Extend Dates for All-Party Meet and Confers, and Request Additional Information From Utilities* (May 26, 2017) ("May 26 ALJ Ruling"), at 6.

[38] May 26 ALJ Ruling at 6.

[39] *Assigned Commissioner's and Administrative Law Judge's Ruling on Legal Questions Set Forth in Scoping Memo and Ruling* (April 30, 2013), at 11.

that assumption. Under fundamental principles of utility ratemaking, a utility is entitled to recover costs that are already in rates, unless and until the Commission finds that such costs are unreasonable – a finding that the Commission has not made and could not make without a hearing based on record evidence.[40]

3. Petitioners' Motion is Inappropriate Procedurally

Finally, the Petitioners' Motion is an inappropriate procedural vehicle to seek a stay of D.14-11-040. The Commission has never disavowed its finding in D.14-11-040 that the settlement is reasonable, lawful, and in the public interest. Contrary to the Petitioners' assertions, the December 13 Ruling never recants D.14-11-040. While the December 13 Ruling raises concerns about the potential impact of the unreported ex parte communications on the negotiation and litigation of the settlement,[41] it does not reach a definitive conclusion on that issue.[42] Instead, the December 13 Ruling directs the parties to meet and confer regarding potential changes to the settlement. As explained above, if no agreement is reached by August 15, 2017, then the December 13 Ruling directs the parties to file and serve a joint report setting forth "further procedural and substantive recommendations of the parties for determination of the pending petitions for modification of D.14-11-040."[43]

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[40] Cal. Pub. Util. Code § 728 ("Whenever the commission, after a hearing, finds that the rates … are … unlawful, unjust, unreasonable … the commission shall determine and fix, by order, the just, reasonable, or sufficient rates … to be thereafter observed and in force.").

[41] December 13 Ruling at 34.

[42] *Id*. at 29, 31, 33-34. In addition, it is important to remember that the December 13 2016 Ruling was simply a ruling and it has not been ratified by the majority of the Commissioners as a Decision, Order or Resolution. *See, e.g., OIR into Implementation of PU Code Section 390*, D.02-05-012, 2002 Cal. PUC LEXIS 236 at *4 (stating that "absent ratification from the Commission, [ALJ] rulings are not Commission decisions and do not restrict the Commission's decisionmaking authority.").

[43] December 13 Ruling at 43.

The relief sought by the Motion is procedurally inconsistent with the December 13 Ruling, which makes clear that the time for parties to propose further procedural steps is after the meet and confer process among the parties has concluded. The relief sought by the Motion cannot be considered until the Commission acts on those petitions. Even if the Commission were to rescind its approval of the settlement – which SDG&E urges the Commission not to do – the Commission could not lawfully suspend the existing SONGS OII rates without giving a hearing to all parties and developing an evidentiary record that supports any final decision.

II. No Wrongdoing By SDG&E Has Been Found

The Petitioners have requested a stay of rates authorized by D.14-11-040 based on the SCE ex parte communications and the MHI Arbitration Decision. No wrongdoing by SDG&E has been found in connection with either event. None of the ex parte communications involved SDG&E, and no findings have been made that SDG&E violated any Commission rules in connection with the Settlement Agreement. While SDG&E strongly believes that the MHI Arbitration Decision is irrelevant to the current proceeding, in the event that the Commission were to expand the scope of the current proceeding to give weight to the MHI Arbitration Decision, nowhere in the Corrected and Redacted MHI Arbitration Decision is SDG&E found to have been responsible for the conduct of MHI, the defective Replacement Steam Generators or the closure of SONGS.[44] Therefore, the Commission has no basis to grant Petitioners' Motion as it pertains to SDG&E and rates collected by SDG&E.

[44] *See generally* Corrected and Redacted MHI Arbitration Decision. In a few places, the original MHI Decision issued on March 13, 2017 incorrectly used the word "Claimants" instead of "SCE." The Parties to the arbitration proceeding filed two Requests for Corrections to that Decision, seeking the correction of typographical and computational errors, including several changes of "Claimants" to "SCE". The suggested corrections were accepted and approved by the Tribunal and the ICC, and the Corrected and Redacted MHI Arbitration Decision was filed in this proceeding's docket on June 15, 2017.

III. CONCLUSION

The Petitioners have failed to meet their burden to support their request to stay the collection of rates authorized by D.14-11-040. Therefore, Petitioners' Motion should be denied.

Respectfully submitted,

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